



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65793

Akihiko OKADA

Appln. No.: 09/928,451

Group Art Unit: 2166

Confirmation No.: 8140

Examiner: Unknown

Filed: August 14, 2001

For: COMPUTER PERIPHERAL SALES PROMOTING SYSTEM AND METHOD THEREOF

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GROUP 3600

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Unexamined Patent Application Publication No. 2000-105522, published April 11, 2000.
2. Japanese Unexamined Patent Application Publication No. H10-301996, published November 13, 1998.
3. ACOS-6/NVX Operations Management, PERFORMS Manual, "Performance Analysis and Prediction Systems", NEC Corporation, March 31, 1992, 1st Edition, pages 1-55.

One copy of each of the listed documents is submitted herewith.

INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: 09/928,451

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action dated January 13, 2004 and an English Translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

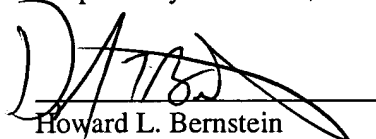
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Respectfully submitted,

  
Howard L. Bernstein  
Registration No. 25,665

Date: April 8, 2004

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

Application Number	09/928,451
Confirmation Number	8140
Filing Date	August 14, 2001
First Named Inventor	Akihiko OKADA
Art Unit	2166
Examiner Name	Unknown
Attorney Docket Number	Q65793

Sheet	1	of	1
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	2000-105522		04-11-2000		ABS
		JP	H10-301996		11-13-1998		ABS

**NON PATENT LITERATURE DOCUMENTS**

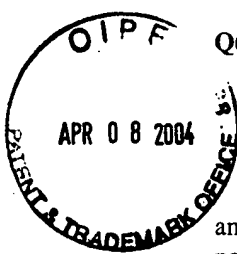
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		ACOS-6/NVX Operations Management, PERFORMS Manual, "Performance Analysis and Prediction Systems", NEC Corporation, March 31, 1992, 1 <sup>st</sup> Edition, pages 1-55.	No

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.



Q65793

Note (For a list of the cited literature, see the List of Cited Literature)

Claims 1 through 6

Cited Literature 1 through 3

Cited Literature 1 and 2 describe a system that detects and stores the state of use, reads said state of use, and performs administrative activity in relation to the user. Furthermore, Cited Literature 1 describes the point of detecting the state of utilization relating to computer peripherals.

Cited Literature 3 describes the point of detecting disk capacity and load status to carry out performance analysis of the system, including peripherals.

The invention of the present application could be easily achieved based on Cited Literature 1 through 3.

#### List of Cited Literature

1. Japanese Unexamined Patent Application Publication H10-301996
2. Japanese Unexamined Patent Application Publication 2000-105522
3. ACOS-6/NVX Operations management. PERFORMS Manual <Performance analysis and prediction systems>, NEC Corporation, 31 March 1992, 1<sup>st</sup> Edition, pages 1-55.

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#### Record of Prior Art Literature Search Results

Fields searched

IPC 7<sup>th</sup> Edition G06F17/60  
G06F19/00

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## 拒絶理由通知書

特許出願の番号	特願 2 0 0 0 - 2 5 3 5 0 6
起案日	平成 1 6 年 1 月 7 日
特許庁審査官	小山 和俊 9 3 6 9 5 L 0 0
特許出願人代理人	高橋 勇 様
適用条文	第 2 9 条柱書、第 2 9 条第 2 項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から 6 0 日以内に意見書を提出して下さい。

## 理 由

A. この出願の下記の請求項に記載されたものは、下記の点で特許法第 2 9 条第 1 項柱書に規定する要件を満たしていないから、特許を受けることができない。

## 記

請求項 1 乃至 5 は、使用状況検出手段等の機能手段の構成が漠然と記載されているにすぎず、コンピュータのハードウェア資源をどのように用いて具体的に実現された技術的手段であるのかを特定するものではない。すなわち、この請求項には、ソフトウェアによる情報処理がコンピュータのハードウェア資源を用いて具体的に実現されたコンピュータシステムとして特定する記載はなされていない。

請求項 6 に記載されたものは、人為的な取り決めであるとも解することができる。

よって、この請求項には、ソフトウェアによる情報処理がコンピュータのハードウェア資源を用いて具体的に記載されておらず、自然法則を利用した技術的思想の創作にあたらぬ。

B. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第 2 9 条第 2 項の規定により特許を受けることができない。

請求項 1 乃至 6

引用文献 1 乃至 3

引用文献 1, 2 には、使用状況を検出記憶し、該使用状況を読み出しユーザに対して営業活動を行うシステムが記載されている。更に引用文献 1 には、コンピュータの周辺機器についての利用状況を検出する点も記載されている。

引用文献 3 には、ディスクの容量、負荷状況を検出して周辺機器を含めたシステムの性能分析を行う点が記載されている。

引用文献1乃至3より本願発明とすることは容易になしうるものである。

## 引用文献等一覽

1. 特開平10-301996号公報
2. 特開2000-105522号公報
3. ACOS-6/NVX 運用管理 PERFORMS解説書＜性能分析・予測システム＞, 日本電気株式会社, 1992年3月31日, 第1版, 1-55頁

## 先行技術文献調査結果の記録

・調査した分野 I P C第7版 G06F17／60  
G06F19／00